

AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting, Monday, May 17, 2010, 7:00 p.m.
Council Chambers, Audrey P. Beck Municipal Building

Minutes

5/3/10

Scheduled Business

Zoning Agent's Report

- A. Enforcement Update
- B. Hall Property Old Mansfield Hollow Rd; DeBoer Property, Storrs Rd
- C. Other

Old Business

1. **Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, o/a B. Kielbania, File #1292 (M.A.D. 7/10/10)**
2. **Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33**
 - a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
 - b. Aquifer and Public Water Supply Protection Regulations
 - c. Invasive Plant Species Regulations
(Public Hearing Scheduled for 6/7/10)
3. **Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32**
(Public Hearing Continuation Scheduled for 6/7/10)
4. **Other**

New Business

Reports from Officers and Committees

1. Chairman's Report
2. Regional Planning Commission
3. Regulatory Review Committee-meeting scheduled for Tuesday, 5/25/10 at 2p.m. in Conf. Room C
4. Other

Communications and Bills

1. Notice of 5/18/10 Public Information Session, Proposed USDA Animal Health Research Center at Depot Campus
2. Spring 2010 CFPZA Quarterly Newsletter
3. WINCOG Regional Planning Commission Referral Comments Re: Chaplin Plan of Conservation and Development, Dog Boarding/Training Regulations
4. Update UConn Enrollment/On Campus Housing
5. Other

PAGE
BREAK

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, May 3, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin (7:48 p.m.), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan
Alternates present: F. Loxsom, K. Rawn
Alternates absent: V. Stearns
Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:35 p.m. and appointed Rawn to act until Goodwin arrived.

Minutes:

4/19/10-Hall MOVED, Ryan seconded, to approve the 4/19/10 minutes as written. MOTION PASSED with all in favor except Plante who disqualified himself.

Public Hearing:

Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32

Chairman Favretti opened the public hearing at 7:36 p.m. Members present were R. Favretti, M. Beal, J. Goodwin (7:48 p.m.), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan and alternates F. Loxsom, K. Rawn. Alternate Rawn was appointed to act until Goodwin's arrival. G. Padick, Director of Planning, read the Legal Notice as it appeared in the Chronicle on 4/20/10 and 4/28/10 and noted the following communications received and distributed to all members of the Commission: a 5/3/10 memo from G. Padick, Director of Planning; a 4/29/10 memo from D. Edens of 24 Birchwood Heights Road; a 5/3/10 email from C. Pellegrine; and a 5/3/10 memo from D. O'Brien, Mansfield Town Attorney. In addition to those communications, Padick noted the draft revisions had also been referred to appropriate staff, WINCOG Regional Planning Agency, Mansfield's Public Notice Registry and abutting towns.

Padick summarized each proposal and discussed the reasoning behind the changes and the intended results if approved.

Favretti noted no comments from the PZC and opened the floor for public comment regarding the definition of family and boarding house.

Jake Friedman requested the PZC take into consideration the impact on housing if the number of persons per household is limited.

Betty Wassmundt questioned if the non-conforming status would go with the land or the owner; if the PZC considered a situation in which the majority of the homes in a neighborhood are non-conforming with four un-related persons and a new house is used as a rental with 3 un-related people, will the new house be worth less because it is limited to three un-related; if thought had been given to encouraging neighborhood associations; and if the State of Connecticut defined family. Padick answered that the non-conforming status goes with the land, and Connecticut does not define family.

David Freudman felt this was a "broad brush approach" and thought it was not the right of the Town to define family; he felt that as houses age it may be more beneficial to convert them to rental properties and this would limit that use; consideration should be given to the number who can live in smaller versus larger homes; he was troubled by Town employees going around observing how many cars are in driveways of student rentals. It appears that the Town is "targeting" students.

Mike Sikoski agreed with the previous speakers and noted that it isn't troublesome having students as neighbors, it's having troublesome students as neighbors that is the problem. He felt that enforcement was an

issue and noted that if the current regulations were hard to enforce now, this new regulation won't make it any easier.

Joan Hall, who owns and rents properties in Mansfield, felt that the proposed changes in some ways are more generous because the definition of family is expanded. She had no opposition to the definition change from four to three un-related persons.

Favretti noted there were no more comments regarding the definition of family and boarding house, and he opened the floor for public comment regarding political signs.

Cynara Stites thanked the PZC for the proposed change and noted that as the President of the Northeast Chapter of the American Civil Liberties Union she found the revised regulations to be acceptable.

David Morse agreed with Stites comments.

Noting no further comments or questions from the Commission or public, Plante MOVED, Holt seconded, to continue the Public Hearing until June 7th. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, o/a

B. Kielbania, File #1292

Chairman Favretti opened the continued Public Hearing at 8:22 p.m. Members present were R. Favretti, M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan and alternates F. Loxsom, K. Rawn. Padick noted the following communications received and distributed since the 4/19/10 Public Hearing: a 4/28/10 memo from G. Meitzler, Assistant Town Engineer; a 4/29/10 memo from G. Padick, Director of Planning; and a 4/29/10 memo from G. Havens, E.H.H.D.

The applicant's representative, Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, LLC, presented a 4/19/10 letter from J. Dipple, Director of the Farmland Preservation Program from the CT Department of Agriculture which outlined the proposal and stated that the farm stand expansion, green houses, and various barn expansions are acceptable uses.

Pociask questioned if any changes will be made for a handicap pathway, noting a 10% grade, and asked about additional lighting around the barn. Wentworth noted that the grade can be lessened when creating the pathway which will be built with D.O.T. standard stone-dust. At this time no additional lighting has been proposed.

Holt questioned if the applicant would be willing to eliminate the corn maze and agree to no outdoor amplification of music.

Attorney April Teveris, representing the applicant, indicated that Mr. Kielbania would be willing to withdraw the portion of his application that includes the corn maze at the site, but would like to reserve the right to come back to the Commission in the future should he want to revisit that part of the project.

Loxsom expressed concern about the traffic entering and leaving the site and if the precautionary signs would be enough to help the safety of travelers in that area. He asked Padick if speed humps near the area would be helpful. Padick responded that the Traffic Authority would not consider speed humps on a Collector Road such as Browns Road.

Favretti noted no comments from the PZC and no comments from the public.

Attorney April Teveris summarized the proposal stating that Mr. Kielbania is planning to bring a quality product to our community. She also noted that the applicant has tried to contact and work out concerns with the Loukas family with no resolution at this time.

Gus Loukas, the abutting property-owner, expressed that he was not opposed to the proposal, but was just

concerned for the proximity of the activity to his home where his children's safety may be compromised by the extra vehicular traffic and visitors to the site.

Beal MOVED, Plante seconded, to close the public hearing at 8:47 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33

- a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
- b. Aquifer and Public Water Supply Protection Regulations
- c. Invasive Plant Species Regulations

Tabled-Public Hearing Scheduled for 6/7/10.

New Business:

1. Special Permit Modification Request Mansfield Hollow Hydro Project, 114 Mansfield Hollow Rd, File #1243

Mr. Shifrin agreed to have the testimony presented at the IWA Public Hearing entered into the record of the PZC. Goodwin disqualified herself, and Chairman Favretti appointed Rawn to act.

Pociask MOVED, Ryan seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of S. and M. Shifrin for revisions to the planned Mansfield Hollow Hydro Facility at 114 Mansfield Hollow Road, as depicted on a 4/26/10 site plan as prepared by Datum Engineering and Surveying, LLC and 4/20/10 Power House rendering, and as described in other application submissions, subject to the following conditions:

1. All conditions cited in the Planning and Zoning Commission's April 6, 2006 approval shall remain in effect.
 2. All necessary permit modifications from other agencies having jurisdiction over this project shall be obtained prior to construction.
 3. No Zoning Permit shall be issued until it is confirmed that rear line setback requirements have been complied with. Final plans shall incorporate any appropriate changes in the depicted rear line setback.
- MOTION PASSED with all in favor except Goodwin who was disqualified.

Zoning Agent's Report:

The Zoning Agent's Monthly Enforcement Report was noted. Hirsch noted that Ed Hall is appealing the citations issued. There will be a hearing this Wednesday and Hall plans to make a plea as to why he isn't in violation. Hirsch will update the PZC at the next meeting on the hearing officer's decision.

Hirsch also noted a modification request for the interior use of a section of an existing building, Land of Local Treasures at 1029 Storrs Road. The applicant, Ms. Amanda Stinson, and the building owner, Mrs. Michelle Landon, were both present. The area would be used as a tattoo parlor and would be by appointment only with Stinson as the only employee, noting that no more than 2 cars at a time would be parked there. Favretti questioned if she planned on having a sign, and Stinson indicated it would be one small sign that would fit under the existing sign. She indicated that the hours of operation would not extend past the hours of the Land of Local Treasures.

Plante MOVED, Hall seconded, that the PZC authorize the PZC Chairman and the Zoning Agent to approve the 4/20/10 Request for Modifications of Amanda Stinson for a tattoo studio at 1029 Storrs Road, as submitted and described by the applicant. MOTION PASSED UNANIMOUSLY.

New Business Continued:

2. Request for Bond Release- Pine Grove Estates, File #1187-2

Holt MOVED, Pociask seconded, that the PZC authorizes the Director of Planning to take appropriate actions to release a \$20,000 cash bond plus interest that has been held to ensure that all Subdivision

improvements in the Pine Grove Subdivision remain in an acceptable condition. MOTION PASSED UNANIMOUSLY.

3. Request for Shed within Development Area Envelope, 37 Adeline Place, File #1187-2

Holt MOVED, Plante seconded, that the PZC authorize the placement of a 10 by 16-foot storage shed to be located outside of the Building Area Envelope at 37 Adeline Place, as submitted by Sean Maynard and depicted on a plan dated 4/28/10, as provided for under Article VIII, section B.1.d of the Mansfield Zoning Regulations. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

Chairman Favretti noted the next Regulatory Review Committee meeting will be on 5/11/10 at 2pm in Conference Room C.

Communications and Bills:

Noted.

Adjournment:

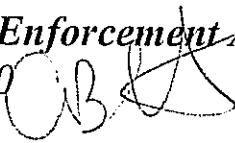
Chairman Favretti declared the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Katherine Holt, Secretary

To: Town Council/Planning & Zoning Commission
 From: Curt Hirsch, Zoning Agent
 Date: May 11, 2010

Re: ***Monthly Report of Zoning Enforcement Activity***
For the month of April, 2010



Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	12	13	11	104	109
Certificates of Compliance issued	3	11	5	87	112
Site Inspections	38	63	52	418	469
Complaints received from the Public	4	4	4	33	44
Complaints requiring inspection	2	3	4	25	27
Potential/Actual violations found	2	2	10	44	49
Enforcement letters	8	7	6	108	86
Notices to issue ZBA forms	0	1	1	7	5
Notices of Zoning Violations issued	3	2	6	34	54
Zoning Citations issued	1	4	2	47	12

Zoning permits issued this month for single family homes = 0, multi-fm = 0
 2009/10 fiscal year total: s-fm = 11, multi-fm = 8

Item B: Zoning Agents Report

Richard Meehan
1105 Storrs Road
Storrs, CT. 06268
rjmdlm@hotmail.com

May 9, 2010

Mr. Edward Hall
Thistlesprings Farm, Inc.
35 Mansfield Hollow Road
Mansfield, Center, CT. 06250

RE: Mansfield Zoning Citations
09-29, 09-34, 09-36, 09-38
10-01, 10-10, 10-15, 10-19,
10-22 and 10-26
35 Old Mansfield Hollow Road
Assessor's Map 29, Block 111, Parcel 12

Dear Mr. Hall,

This letter is your formal notification that I have elected to uphold the issuance of Zoning Citation #09-29 issued on December 3, 2009. You are directed to pay the \$150.00 fine immediately.

In recognition of your now successful efforts to comply with the Original Notice, I have elected to suspend each of the subsequent Citations (#09-34 - #10-26) for a period of 12 months each. If in the opinion of the Zoning Enforcement Officer the cited violations re-occur during any of the ensuing 12 month periods, any and all of the fines remaining in suspension at that time will be deemed as immediately due and payable.

Thank you for your recent efforts and I look forward to your future compliance.

Richard Meehan

Richard Meehan
Zoning Hearing Officer
Town of Mansfield

cc: C. Hirsch

Decision of 5-5-10 CITATIONS
HEARING

Last trailer removed from
the site on the morning
of the 5-5-10 Hearing.

PAGE
BREAK

DRAFT APPROVAL MOTION

TWIN PONDS FARM, B. KIELBANIA, 483 BROWNS ROAD, FILE #1292

MOVED, _____ seconded, to approve with conditions the special permit application (file 1292) of Bryan Kielbania for a farm stand and associated agricultural uses on property located at 483 Browns Road, in an RAR-90 zone, as submitted to the Commission and described in application submissions, including a 4/15/10 Statement of Use and site plans dated 3/22/10 revised through 4/19/10, and as presented at Public Hearings on April 19, and May 3, 2010. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

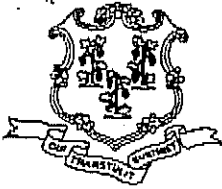
1. This approval, which authorizes certain agriculturally-oriented commercial uses within a residential zone, is specifically tied to the application submissions and conditions cited in this motion. Unless modifications are specifically authorized, approved uses of this property are limited to those uses and activities described by the applicant, including restrictions on hours of operation. Based on May 3rd testimony by the applicant's attorney, activities and events that may generate additional traffic, such as hayrides, sleigh rides and corn mazes, shall not take place unless prior PZC approval has been obtained.

Any questions regarding authorized uses of this property shall be reviewed in advance with the Zoning Agent and Director of Planning, and as appropriate, the PZC. Any significant changes or expansions of use, shall require additional special permit approval;

2. All agricultural uses shall comply with all applicable permitted use provisions of Article VII, and other Zoning requirements. Existing permitted use provisions limit the amount of agricultural and horticultural products that are not grown on a property-owner's land and limit the nature and amount of products sold that are accessory and associated with the agricultural or horticultural products sold onsite. In the event existing regulations regarding on-site sales are revised, the applicant shall have the right to utilize new provisions.
3. The applicant shall be responsible for obtaining all applicable State of Connecticut approvals, including authorizations from the Department of Agriculture regarding restricted development rights on the subject property.
4. The applicant shall be responsible for meeting all applicable permit requirements from Eastern Highlands Health District and Mansfield's Building and Fire Marshal's Offices.
5. Vehicular and pedestrian safety are primary issues that will necessitate careful monitoring and management. Parking along Browns Road will reduce sightlines and may result in safety problems, as well as inappropriate neighborhood impact. Accordingly, the applicant shall be responsible for monitoring vehicular traffic into and out of the site and providing adequate on-site parking for the subject agricultural use. If, based on observed use, the PZC determines that additional on-site parking is necessary, a revised parking plan with additional spaces shall be prepared by the applicant, submitted for PZC approval and implemented by the applicant.

6. To help reduce potential neighborhood impacts an evergreen landscape buffer shall be planted along the westerly property line between the approved parking and driveway area and the adjacent residence on property N/F Loukas/Despina. Proposed plantings, including the number and species of proposed evergreen plants and planting size, shall be depicted on final plans and approved by the PZC Chairman with staff assistance. In addition, there shall be no outside speakers used in association with the proposed agriculture use.
7. Final plans shall include the following revisions:
 - A. Landscape details as required by condition #6
 - B. Notation of the estimated amount of fill that will be needed for parking areas and other site work.
 - C. More specific details regarding the surfacing of the handicap parking space and access-way to the retail sales area. State requirements for surface material shall be met.
 - D. An increase in the proposed handicap space to sixteen (16) feet which is required by the State Building Code.
8. All site work indicated on final plans, including parking and driveway improvements, pedestrian access improvements, signage and buffer landscaping, shall be completed prior to the issuance of a Certificate of Compliance.
9. It is anticipated that the applicant will want to install and maintain directional signage at nearby street intersections. The PZC Chairman, with staff assistance, is authorized to approve directional signage that complies with Zoning standards.
10. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

This approval waives the front setback requirements for parking as depicted on final plans. This waiver is based on site and neighborhood characteristics. In addition, this approval waives several site plan submission provisions of Article V, Section A.3.c., since the information submitted is sufficient to determine compliance with applicable approval criteria.



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE

Farmland Preservation Program



April 19, 2010

Bryan Kielbania
408 Browns Road
Storrs, CT 06268

**RE: Request to construct structures and improvements on restricted farmlands.
Former Martin Farm, 159.218 ac, Coventry and Brown Roads, Mansfield.**

Dear Mr. Kielbania:

We have received your applications to construct and improve farm structures on your farm on which the State holds the development rights located in Mansfield.

Application #1 is to construct a 16' by 36' lean to on an existing barn, keeping the existing dirt floor. You have indicated the structure will be used for storing and repairing your farm equipment. The structure abuts an existing staging and storage area barn located along the north westerly side of Browns Road, approximately 200' from your farm ponds.

Application #2 is to construct a 48' by 84' hay and haying equipment storage barn. It will have concrete footings and flooring and built of post and beam with open sided lean to sheds on both sides. The structure will be built along the north western border of the parcel located along the field edge and north westerly side of Browns Road approximately 450' from the road.

Application #3 is to construct a lean to storage and equipment 14' by 48', post and beam style, gravel floor along the field edge and existing farm road off the north westerly side of Browns Road, approximately 400' from your farm ponds.

→ Application #4 is to construct a 28' by 48' greenhouse for the growing/raising of plants and vegetables to be located to the rear of the former dairy barn located off the south easterly side of Browns Road.

→ Application #5 is to modify part of the existing dairy barn into farmstand area, to occur within the existing footprint of the dairy barn.

The uses of the structures as proposed in your applications are agricultural and acceptable uses in

terms of the deed covenant.

We will need an as built site plan on the existing A-2 survey showing these new structures, farm roads, structure access and or parking areas and any utilities. The plan should also show all existing structures.

Please be aware that you are responsible for all other local, state and/or federal permits and approvals that may be required for this work.

I look forward to hearing back from you on your project once you have considered these concerns.

Sincerely,



J. Dippel, Director
Farmland Preservation Program

Stewardship File #0720 - Martin, Parrow, Kielbasa

Public Information Session

For

United States Department of Agriculture

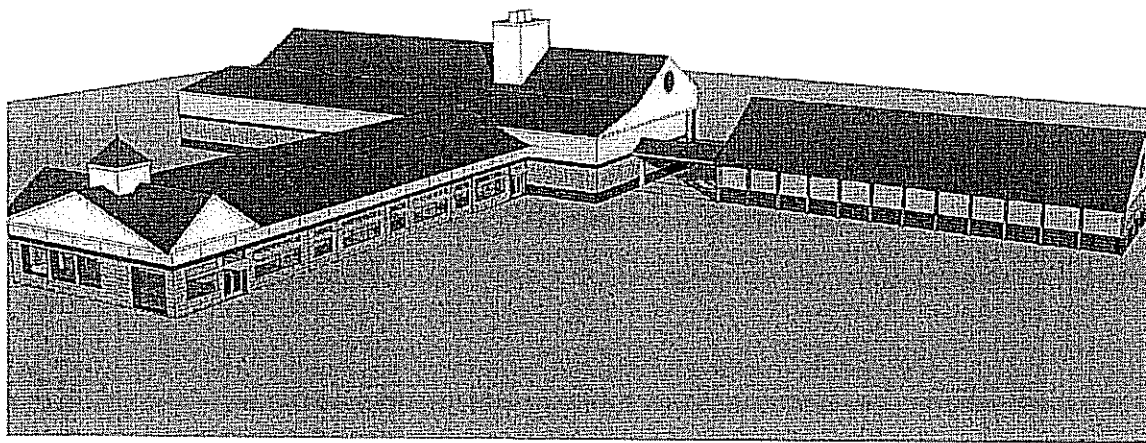
Proposed Animal Health Research Center at UConn's Depot Campus

When: May 18, 2010
7 pm

Where: Bishop Center
One Bishop Circle
Storrs, CT 06269-4056
<http://continuingstudies.uconn.edu/directions/bishopcenter.html>

Questions: Contact Paul Ferri, UConn-Office of Environmental Policy
(860) 486-9295

Please join us to learn about the USDA's proposed plans for an animal health research facility at UConn's Depot Campus. The open-house will feature posters and other informational displays about alternative locations that were evaluated, operational and environmental factors considered, and general information about this facility. Members of the USDA and UConn will be on hand to answer your questions.



Overall Conceptual Rendering

PAGE
BREAK

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Spring 2010

Volume XIV, Issue 2

62nd ANNUAL CONFERENCE

Continuing concerns over climate change as well as the future availability of traditional energy supplies formed the foundation for this year's educational component of the annual conference – Green Development. Green Development is more than just using building materials and building designs that will use less energy, it is also about how our communities are built and how differing uses of land are located in relation to one another.

In order to adequately address this topic, two speakers were invited to address the attendees at the conference. Robert Sitkowski, an attorney with a focus on land use law, explained how suitable land use regulations can address issues such as limiting commutes to work by allowing for mixed uses and by allowing for increased building height so that solar panels and wind collectors can be fitted to existing buildings. Debra Lombard, a green building and sustainability consultant, continued the presentation by explaining the various energy rating systems for building designs and materials and how this can be integrated into the zoning approval process.

The Federation's sincere appreciation and thanks to both of them for providing a well received and informative presentation. If you were

unable to attend the conference and would like to obtain a copy of the presentation materials, please send a message to us at cfpza@live.com and we will get them to you.

In addition, the 62nd Annual Conference featured the presentation of 23 length of service awards by the meeting's moderator, Liz West, town planner for Haddam. In addition, she presented the following devoted public servants with the Lifetime Achievement Award which goes to those members with 25 or more years of service. They were: James P. Carey of the East Hampton Planning & Zoning Commission, Curt B. Hirsch of the Mansfield Planning & Zoning Commission, Gregory J. Padick, also of the Mansfield Planning & Zoning Commission, Arthur Spielman Jr. of the Sprague Planning & Zoning Commission and Thomas Langlais of the Thomaston Zoning Board of Appeals.

AN INDUSTRIAL ZONE BY ANY OTHER NAME IS NOT AN INDUSTRIAL ZONE

The Affordable Housing Act has always afforded an exemption to areas zoned for industrial uses. This exemption provides that an affordable housing application which will be

Written and Edited by
Attorney Steven E. Byrne
790 Farmington Ave., Farmington CT 06032
Tel. (860) 677-7355
Fax. (860) 677-5262

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Spring 2010

Volume XIV, Issue 2

located within a district zoned for industrial uses will be reviewed by the courts under the traditional land use appeal statute, 8-8, and not under 8-30g.

Care should be taken to include the word 'industrial' in the district name; otherwise, a reviewing court may find that the zone is not industrial enough to come within the exemption.

Such was the case where a town carved out a portion on an existing industrial zone, naming this new zone "Corporate Business Park District". An appeal of a denied affordable housing application first focused on whether this new zone was industrial. The town said yes, as the two zones allowed the same uses with the new 'corporate business' zone allowing some additional uses. The court said no, with the name of the new zone labeling it as 'business' being too much for the court to ignore. *See Garden Homes Management Corp. v. Planning & Zoning Commission, 48 Conn. L. Rptr. 743 (2010)*

PROMPTNESS DOES NOT MEAN ON-DEMAND

During an evening meeting of a planning and zoning commission, certain documents were handed out to the commission members. A request was made from the public gallery that these documents be made available to the

public at the meeting. The commission declined to do so, leading to a complaint to the Freedom of Information Commission. Despite clear language in Connecticut General Statutes Sec. 1-212 that copies of public documents are only required to be made available to the public during regular business hours, the FOIC found that the commission had violated the freedom of information act by not making copies available at the evening meeting.

Thankfully, the reviewing court disagreed and reversed this ruling by the FOIC. The court found the statutory language only requires public agencies to respond to requests for copies during regular business hours, which does not include evening meetings. *See Planning & Zoning Commission v. Freedom of Information Commission, 48 Conn. L. Rptr. 776 (2010).*

LOCAL CONTROL OVER CELL TOWER PLACEMENT MAY BE RESTORED

Presently under consideration by the State Legislature is a bill that would give municipalities authority over cell tower applications. At one time, planning and zoning commissions had jurisdiction over the location of PCS towers, with the state siting council overseeing the placement of

Written and Edited by
Attorney Steven E. Byrne
790 Farmington Ave., Farmington CT 06032
Tel. (860) 677-7355
Fax. (860) 677-5262

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Spring 2010

Volume XIV, Issue 2

telecommunication towers. The siting council now has complete jurisdiction over both types of towers, leaving municipal participation on the sidelines.

This bill, as proposed, would allow municipal zoning and inland wetlands commissions via regulations to restrict and regulate the location of telecommunications facilities. See *Raised Bill 206 (Feb. 2010 session)*

ROLE OF ALTERNATE MEMBERS

The Superior Court has again clarified the role of an alternate member of a land use agency when it decides an application. During the public hearing process, alternates can participate. However, once the public hearing closes and the agency begins its discussion at a public meeting, alternates should be dismissed and not participate any further. See *Komondy v. Zoning Board of Appeals*, 48 Conn. L. Rptr. 389 (2009)

SPECULATION ALONE IS NO REASON TO DENY A WETLANDS APPLICATION

A strong evidentiary basis is needed to sustain a denial of a wetlands application. Concerns over the future impact on a wetland by development of adjacent land is not enough. See *Vine v. PZC*, 47 Conn. L. Rptr. 21 (2009).

ANNOUNCEMENTS

Membership Dues

Notices for this year's annual membership dues were mailed March 1, 2010. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

Workshops

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop. At the price of \$175.00 per session, it is an affordable way for your commission or board to keep informed.

Educational Certificates

If you attended the annual conference, you are eligible for a certificate from the Federation indicating that you participated in a one hour educational program. Please contact us for a request form.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the firm of Byrne & Byrne, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

Written and Edited by
Attorney Steven E. Byrne

790 Farmington Ave., Farmington CT 06032

Tel. (860) 677-7355

Fax. (860) 677-5262

BOOK ORDER FORM

Name of Agency: _____

Person Making Order: _____

Address: _____

Purchase Order No.: _____

"PLANNING AND ZONING IN CONNECTICUT"

at \$ 20.00 each for members Copies _____ \$ _____
at \$ 28.00 each for nonmembers

"CONNECTICUT ZONING BOARD OF APPEALS"

at \$ 15.00 each for members Copies _____ \$ _____
at \$ 20.00 each for nonmembers

"WORKSHOP BOOKLETS" at \$6.00 each for members
at \$8.00 each for nonmembers

Planning Commissions Copies _____ \$ _____
Zoning Commissions Copies _____ \$ _____
Zoning Board of Appeals Copies _____ \$ _____

TOTAL DUE: _____ \$ _____

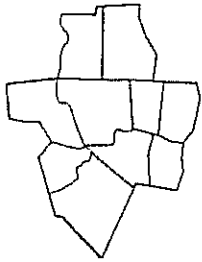
*Please make check payable to:
Connecticut Federation of Planning & Zoning Agencies*

**CONNECTICUT FEDERATION OF
PLANNING & ZONING AGENCIES**

2B Farmington Commons
790 Farmington Avenue
Farmington CT 06032



Mansfield Planning & Zoning Commission
4 South Eagleville Road
Mansfield, CT 06268



WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

REGIONAL PLANNING COMMISSION

Date: May 5, 2010

CHAPLIN

Referral #: 10-03-22-CN-POCD

Report on: **Draft Plan of Conservation & Development**

To: Town of Chaplin Planning and Zoning Commission

C/o: Demian Sorrentino, Planner and Zoning Agent

Commissioners;

This referral involves: A proposal to adopt a revised municipal Plan of Conservation and Development.

Receipt is hereby acknowledged of the above referral. Notice of this proposal was transmitted to the Windham Region Council of Governments under the provisions of Section 8-23(f) of the Connecticut General Statutes, as amended.

Comments for Inclusion in the Public Record: At their May 5, 2010 meeting, the Regional Planning Commission of the Windham Region Council of Governments (WINCOG) reviewed Chaplin's proposed Plan of Conservation and Development. The Regional Planning Commission reviews municipal plans of conservation and development for consistency with the Windham Region Land Use Plan, the Conservation and Development Policies Plan for Connecticut, and the plans of conservation and development of other towns in the region. In order to promote planning that is integrated on all levels, the Regional Planning Commission may offer recommendations on how a municipal plan may be more consistent the goals and vision of other plans. The recommendations of the Regional Planning Commission are purely advisory.

- The Regional Planning Commission applauds the efforts of the Chaplin Planning and Zoning Commission in striving to carefully plan for Chaplin's future. The plan committee is commended for bringing the planning process to fruition after many months of effort.
- The proposed Chaplin Plan of Conservation and Development is largely consistent with the goals and policies outlined in the Windham Region Land Use Plan, particularly the emphasis on mixed –use villages, watershed lands preservation, agriculture and historic resource protection.
- The Windham Region Land Use Plan identifies Natchaug Village as an economic growth area, but it does not identify any other areas on Route 6 as economic growth areas. While these areas may be development priorities on a municipal level, they do not rise to the level of being significant on a regional scale. This is a normal and expected deviation between the

two plans, however the Regional Planning Commission must note these inconsistencies as part of their review of the Chaplin Plan of Conservation and Development as required by state statutes.

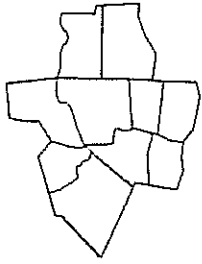
- The Chaplin Plan of Conservation and Development appears to be consistent with the plans of conservation and development of neighboring towns.
- The Regional Planning Commission looks forward to assisting the Town of Chaplin in implementing mutual goals in the future.

Questions concerning this referral should be directed to Jana Butts at the Windham Region Council of Governments.

Sincerely,



Katherine Holt, Chair
WINCOG RPC



WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

REGIONAL PLANNING COMMISSION

Date: May 5, 2010
Referral #: 10-03-26-CN
Report on: **Zoning**

CHAPLIN
Dog boarding/training,
Licensed Surveyors

To: Town of Chaplin Planning and Zoning Commission
C/o: Demian Sorrentino, Planning and Zoning Agent

Commissioners;

This referral involves: A proposal to add a definition of dog boarding and training facility and to add dog boarding and training facilities as a special permit use in the RAR zone and to provide for waivers of certain site plan requirements and to include Land Surveyors as allowed preparers of plans.

Receipt is hereby acknowledged of the above referral. Notice of this proposal was transmitted to the Windham Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

Comments for Inclusion in the Public Record: The Regional Planning Commission reviewed the proposed amendments to the zoning regulations. The commission offers recommendations on how proposals can better meet the goals and vision of the Windham Region Land Use Plan, WINCOG's regional guide for conservation and development. The recommendations of the Regional Planning Commission are purely advisory.

- The proposal to add dog boarding and training facilities as a special permit use in the RAR zone is not in direct conflict with any regional goals or policies.
- If considering allowing this use in the RAR zone by special permit, the Chaplin Planning and Zoning Commission may wish to include the consideration of noise and visibility as part of the special permit criteria.
- The proposal to allow licensed surveyors to sign off on all site plans is problematic. Surveyors, engineers, and landscape architects are site development professionals with different technical responsibilities. Surveyors are primarily licensed to measure and map, whereas engineers and landscape architects are primarily licensed to evaluate, plan and design. For example, if a site plan involves significant grading or stormwater management, then an engineer's stamp should be required.

- The Chaplin Planning and Zoning Commission may wish to consider a fair and flexible regulation that authorizes the Planning and Zoning Agent to decide which professionals' stamps should be required on individual site plans based on the actual nature of the work to be conducted. Attached is a list of the technical responsibilities of surveyors, engineers, and landscape architects as they relate to subdivision plans. This list could be adapted to provide the criteria by which the Planning and Zoning Agent would evaluate which site development professionals' stamps should be required.

Questions concerning this referral should be directed to Jana Butts at the Windham Region Council of Governments.

Sincerely,



Katherine Holt, Chair
WINCOG RPC

UCONN STUDENTS ENROLLED AT STORRS CAMPUS, 1989-2010
UPDATED AS OF MAY, 2010

Academic <u>Year</u>	Undergrad. <u>F/T</u>	Undergrad. <u>P/T</u>	Total <u>Undergrad.</u>	Total <u>Grad.</u>	<u>Total</u>
Fall, 1989	12,276	1,399	13,675	6,591	20,266
Spring, 1990	11,286	1,397	12,683	-----	
Fall, 1990	12,307	1,265	13,572	7,001	20,573
Spring, 1991	11,220	1,416	12,636	-----	
Fall, 1991	11,321	1,249	13,128	4,329	17,457
Spring, 1992	10,838	1,329	12,167	4,131	16,298
Fall, 1992	11,321	1,170	12,491	4,399	16,890
Spring, 1993	10,353	1,228	11,581	4,206	15,787
Fall, 1993	10,830	1,075	11,905	4,549	16,454
Spring, 1994	9,849	1,149	10,998	4,229	15,227
Fall, 1994	10,328	1,058	11,386	4,503	15,889
Spring, 1995	9,546	1,144	10,690	4,118 (est.)	14,808
Fall, 1995	10,271	1,059	11,330	4,405	15,735
Spring, 1996	9,475	1,184	10,629	4,068	14,697
Fall, 1996	10,271	1,059	11,330	4,405	15,735
Spring, 1997	9,557	1,106	10,663	3,882	14,545
Fall, 1997	10,362	956	11,318	3,863	15,181
Spring, 1998	9,567	1,142	10,709	3,287	14,355
Fall, 1998	10,740	942	11,682	3,646	15,328
Spring, 1999	9,894	732	10,626	3,187	13,813
Fall, 1999	11,411	576	11,987	3,347	15,334
Spring, 2000	10,662	718	11,380	3,152	14,532
Fall, 2000	12,234	728	12,962	3,246	16,708
Spring, 2001	11,309	728	12,037	3,222	15,259
Fall, 2001	13,017	571	13,588	3,367	16,955
Spring, 2002	12,103	928	13,031	2,867	15,898
Fall, 2002	13,688	525	14,213	3,705	17,918
Spring, 2003	13,136	869	14,005	3,539	17,865
Fall, 2003	14,318	845	15,163	3,927	19,090
Spring, 2004	13,642	899	14,541	3,815	18,507
Fall, 2004	14,752	508	15,722	3,692	19,857
Spring, 2005	14,170	937	15,107	3,807	19,073
Fall, 2005	15,277	814	16,091	4,031	20,122
Spring, 2006	14,482	843	15,325	3,851	19,176
Fall, 2006	15,594	745	16,339	3,834	20,173
Spring, 2007	15,027	1,056	16,083	3,408	19,491
Fall, 2007	15,607	733	16,340	3,845	20,185
Spring, 2008	15,693	776	16,469	3,790	20,259
Fall, 2008	16,073	681	16,754	4,009	20,763
Spring, 2009	16,135	785	16,920	3,795	20,715
Fall, 2009	16,325	671	16,996	4,019	21,015
Spring, 2010	15,732	757	16,489	3,830	20,319

**These numbers include Mansfield Apartments as well as Northwood Apartments, Charter Oak and Hilltop Apartments.
 Since Fall of 2007 these numbers include all complexes that are part of the Residential Life housing stock.
 Source: Division of Student Affairs, Housing Services, University of Connecticut

UCONN STUDENTS LIVING ON-CAMPUS AT STORRS, 1989-2010
UPDATED AS OF MAY, 2010

<u>Acad. Year</u>	<u>Undergrad./ Non-Degree</u>	<u>Grad.</u>	<u>Total</u>
Fall, 1989	8,772	432	9,204
Spring, 1990	8,067	425	8,492
Fall, 1990	8,655	433	9,088
Spring, 1991	7,915	405	8,320
Fall, 1991	8,191	441	8,632
Spring, 1992	7,437	430	7,867
Fall, 1992	7,628	424	8,052
Spring, 1993	6,889	428	7,317
Fall, 1993	7,152	465	7,615
Spring, 1994	6,390	456	6,846
Fall, 1994	6,702	421	7,123
Spring, 1995	6,100	414	6,514
Fall, 1995	6,567	390	6,957
Spring, 1996	6,020	410	6,430
Fall, 1996	6,675	414	7,089
Spring, 1997	6,089	372	6,471
Fall, 1997	6,473	418	6,819
Spring, 1998	5,969	378	6,347
Fall, 1998	7,212	414	7,626
Spring, 1999	6,635	417	7,052
Fall, 1999	7,818	430	8,248
Spring, 2000	7,142	411	7,553
Fall, 2000	8,259	440	8,699
Spring, 2001	7,952	421	8,373
Fall, 2001	9,247	543	9,790
Spring, 2002	8223	425	8,648
Fall, 2002	9,868	449	10,317
Spring, 2003	9,409	560	9,969
Fall, 2003	10,567	423	10,990
Spring, 2004	10,257	485	10,742
Fall, 2004	10,658	497	11,155
Spring, 2005	10,323	509	10,832
Fall, 2005	11,010	514	11,524
Spring, 2006	10,731	416	11,147
Fall, 2006	11,135	512	11,647
Spring, 2007	10,749	490	11,239
Fall, 2007	10,751	556	11,307
Spring, 2008	10,322	519	10,841
Fall, 2008	11,427	523	11,970
Spring 2009	11,025	492	11,517
Fall, 2009	11,912	403	12,315
Spring, 2010	11,599	372	11,971

**These numbers include Mansfield Apartments as well as Northwood Apartments, Charter Oak and Hilltop Apartments.
 Since Fall of 2007 these numbers include all complexes that are part of the Residential Life housing stock.
 Source: Division of Student Affairs, Housing Services, University of Connecticut